

REMARKS

This Application has been carefully reviewed in light of the Office Action dated July 26, 2010 (the "Office Action"). To advance prosecution, Applicants amend independent Claim 50 without conceding as to the correctness of the Office Action rejections. Applicants respectfully request reconsideration and favorable action in this case.

Interview Summary

Applicants thank the Examiner for the courtesy and opportunity to conduct the telephone interview on July 17, 2010. Pursuant to M.P.E.P. §713.04, Applicants submit this summary of the telephonic interview to record Applicants' understanding of the substance of the interview. During the interview, the rejections of Claim 50 under Sections 112 and 103 were discussed. The Examiner acknowledged that a new search would not be required if Applicants corrected a clerical error of Claim 50 by inserting the word "and" in the limitation "a bridge annuity for the husband beginning at an expected retirement age for the husband and ending at a deferred Social Security age for the husband."

Claim 50 satisfies the requirements of Section 112

To advance prosecution, Applicants have amended Claim 50 by inserting "non-transitory tangible" in the phrase "A non-transitory tangible computer-readable storage medium." The Examiner acknowledged in a phone message on July 20, 2010 that Claim 50, as amended, satisfies the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of Claim 50.

Claim 50 is allowable over the proposed *Fay-Orth* combination

Claim 50 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0188540 by Fay et al. ("*Fay*") in view of paper by Orth entitled, "Retirement Planning for Married Couples: Distribution Differences" ("*Orth*").

The proposed *Fay-Orth* combination fails to disclose each and every element of Claim 50. For example, *Fay* fails to disclose,

"calculating a projected retirement income for the husband and the wife in a bridge scenario, the projected retirement income in the bridge

scenario including an estimate of yearly inflation-adjusted after-tax income from:

a bridge annuity for the husband beginning at an expected retirement age for the husband and ending at a deferred Social Security age for the husband; . . . [and]

a bridge annuity for the wife beginning at an expected retirement age for the wife and ending at a deferred Social Security age for the wife,”

as recited in Claim 50. As an initial matter, Applicants note that the Office Action fails to even allege the proposed *Fay-Orth* combination discloses or suggests “a bridge annuity for the husband beginning at an expected retirement age for the husband and ending at a deferred Social Security age for the husband.” For this reason alone, the Examiner has failed to establish *prima facie* obviousness with respect to Claim 50. *Fay*¹ discloses a retirement annuity that lasts for the duration of one or two measuring lives. *See, e.g.*, ¶0038 (disclosing “a joint retirement annuity (i.e., based on two lives) or a single retirement annuity (i.e., based on one life)”). However, *Fay* fails to disclose that the retirement annuity ends “at a deferred Social Security age for the husband,” much less another annuity for the wife “ending at a deferred Social Security age for the wife,” as recited in Claim 50.

In addition, the cited references fail to disclose “calculating a projected retirement income for the husband and the wife in a bridge scenario, the projected retirement income in the bridge scenario including an estimate of yearly inflation-adjusted after-tax income from” the recited features. *Fay* discloses a quoting system 10 used to provide a quote for a single retirement annuity product. ¶¶0035 and 0037. The quoting system 10 of *Fay* uses two known variables, provided as inputs, to solve for a missing third variable of a three-variable equation. ¶0040. The three variables are “the user’s retirement date, a premium payment amount required to meet the user’s minimum retirement income amount, [and] the retirement income amount that would be paid to the user based on the defined premium payment amount the user would like to make.” *Id.* According to *Fay*, “[i]f the user chooses to input the retirement date and the desired premium payment amount, the output of quote calculator 2 would be the minimum retirement income amount available to the user based on the defined payment amounts the user would like to make.” *Id.* Merely calculating retirement income to be paid for the duration of one or two measuring lives fails to disclose or suggest “calculating

¹ During the interview the Examiner clarified that the Office Action names *Golden* in error in the Section 103 rejection on page 3 and that the citations appearing on page 3 of the Office Action apply to *Fay* and not to *Golden*.

a projected retirement income for the husband and the wife *in a bridge scenario* including an estimate of yearly inflation-adjusted after-tax income from” the recited features.

The proposed *Fay-Ortho* combination also fails to disclose “calculating a projected retirement income for the husband and the wife using an alternative funding approach,” or “comparing the calculated projected retirement income for the husband and the wife in the bridge scenario to the projected retirement income for the husband and the wife using the alternative funding approach,” as recited in Claim 50.

For at least the above reasons, the proposed *Fay-Ortho* combination does not disclose, and the Examiner does not allege that the proposed *Fay-Ortho* combination discloses, each and every feature of Claim 50. For at least these reasons, Claim 50 is allowable. Applicants respectfully request reconsideration and allowance of Claim 50.

No Waiver

All of Applicants’ arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the references cited by the Office Action. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a future Response or on Appeal, if appropriate. By not responding to additional statements made by the Office Action, Applicants do not concede as to the correctness of additional statements made by the Office Action. The example distinctions discussed by Applicants are sufficient to overcome the rejections of the Office Action.

Conclusions

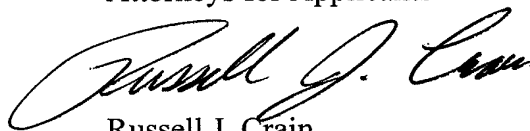
For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Russell J. Crain, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6803.

Please charge \$130.00 to Deposit Account No. 020384 of Baker Botts L.L.P. for a one-month extension of time. The Commissioner is authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Russell J. Crain
Reg. No. 60,657

2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
(214) 953-6803

Date: August 12, 2010

CORRESPONDENCE ADDRESS:

Customer Number:

05073